

TRANSFERRING FALSE IDENTIFICATION DOCUMENTS PROPOSED AMENDMENTS TO §76-6-501(4)

Sponsor: Rep. Craig Hall

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STATEMENT OF THE PROBLEM

The current statute, Utah Code §76-6-501, prohibits the transfer of false identification documents such as false social security cards and permanent resident (green) cards. Transferring a false identification document is a second degree felony. Under the current statute the prosecution must prove that the charged party completed a transaction by selling or otherwise transferring an identification document to a third party. Possession of fraudulent identification documents with intent to distribute them is not enough.

Investigators sometimes succeed in conducting “controlled buys” as a means of completing transfers with false identification document traffickers. This is difficult and often impractical. More often investigators apprehend known traffickers who are in possession of false identification documents under circumstances that strongly evince the intent to distribute them, but without having observed any specific instance of a hand-to-hand transfer. Under these circumstances the trafficker cannot be charged under the current version of §76-6-501(4). Note that § 76-6-501(5) prohibits the possession of document-making implements or authentication features with intent to produce false identification documents, but no analogous provision currently exists for possession of false identification documents with intent to distribute them.

PROPOSED LEGISLATIVE SOLUTION

Amend the current provision that prohibits the transfer of false identification documents to include possession of false identification documents with intent to transfer them. Utah’s controlled substance statute takes this approach. As with illegal drugs, intent to transfer can be established by circumstances surrounding the possession, by general admissions of intent, or by other relevant facts.

SUPPORTERS OF PROPOSED AMENDMENT

- Statewide Association of Prosecutors
- Utah Attorney General’s Office
- SECURE Strike Force (multiagency task force)